

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 15, 2004

Name: Anthony P. Curtis, Ph.D.

Signature:

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Joseph Walters et al.

Appln. No.: 09/876,451

Filed: June 7, 2001

For: Apparatus and Method for Conditioning
Polishing Pad in a Chemical Mechanical
Planarization

Attorney Docket No: 7103-238

Examiner: S. MacArthur

Art Unit: 1763

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Request for Reconsideration of the Patent Term Adjustment; Check for \$200
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

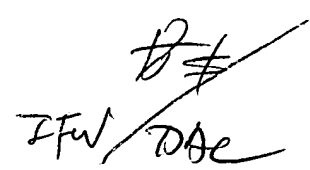
					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$200 is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date 9/15/04
Anthony P. Curtis, Ph.D. (Reg. No. 48,193)



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Signature

the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

REMARKS

U.S. Patent 6,767,427 issued with a published term adjustment under 35 U.S.C. § 154(b) of 459 days. The patent term adjustment for U.S. Patent 6,767,427 is calculated as shown below. U.S. Patent 6,767,427 is not subject to a terminal disclaimer.

Period of adjustment under 37 C.F.R. § 1.703(a)

Applicants agree with the PTO calculation of the period of adjustment under 37 C.F.R. § 1.703(a)(1) of 463 days.

Period of adjustment under 37 C.F.R. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed under 35 U.S.C. § 111(a).

The present application was filed on June 7, 2001. The 3 year date specified in 37 C.F.R. § 1.703(b) is June 7, 2004. The patent issued on July 27, 2004. The difference between the 3 year date and the issue date is 50 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704(b)

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.703(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

In U.S. Patent 6,767,427, the reduction in period of adjustment under 37 C.F.R. § 1.704(b) is 4 days.

Total patent term adjustment

For the present application, the total patent term adjustment under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus 463 days - 4 days + 50 days for PTO delays in issuing the patent over the 3 year date = 509 days.

Applicant respectfully requests reconsideration of the patent term adjustment for this patent. Office personnel are invited to contact the undersigned for the Applicants via telephone if such communication would expedite this request.

Respectfully submitted,



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